

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEONARD LAVERNE EWALT,

Defendant.

CR 13–11–BU–DWM–TJC

ORDER

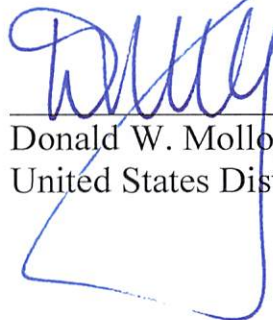
On November 28, 2023, United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the June 1, 2023 petition for revocation of Defendant Leonard Laverne Ewalt’s supervised release. (Docs. 286, 299.) The petition alleged three violations: (1) associating with a convicted felon, (2) attempting to use a device to evade a urinalysis test, and (3) testing positive for methamphetamine. (*See* Doc. 286.) At a final revocation hearing held on November 28, 2023, Ewalt admitted to the violations. (*See* Doc. 299 at 3; Doc. 298 (Min. Entry).) Based on the admitted violations, Judge Cavan found that Ewalt committed the violations alleged in the petition, recommends that supervised release be revoked, and that this Court sentence Ewalt to a custodial sentence of eight months, followed by no supervised release. (Doc. 299 at 4.)

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge Cavan's conclusion that the defendant violated the conditions of his release in the manner set forth in the petition, and that the defendant's supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 299.)

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations, (Doc. 299), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that the defendant's supervised release is revoked. Judgment will be entered by separate document.

DATED this 18th day of December, 2023.



Donald W. Molloy, District Judge
United States District Court